

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

DAVID and KAY SIEVERDING,

Plaintiffs,

v.

MURPHY DESMOND, LLC.,

Defendant,

---

On May 6, 2008, I dismissed this case on the court's own motion for lack of subject matter jurisdiction because plaintiffs' complaint contained no allegations of fact supporting their contention that defendant had violated their rights under federal or state law. On May 7, 2008, judgment was entered in favor of defendant Murphy Desmond, LLC. On May 30, 2008, I denied plaintiffs' motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59.

On May 29, 2008, plaintiffs filed a motion for oral hearing, a motion under Rule 52(a) to correct facts and a brief in support of their Rule 59 motion. On June 3, 2008, plaintiffs filed a motion for reconsideration of the court's denial of their Rule 59 motion. Then, on June 4, 2008, plaintiffs filed a motion to voluntarily dismiss this action because

they submitted a new case (Case No. 08-cv-324-bbc).

Because judgment was entered in this case May 7, 2008 in favor of the defendant, I am construing plaintiffs motion to voluntarily dismiss this action as a motion to voluntarily withdraw their pending motions in this case. I will grant plaintiffs' motion to withdraw their motions for oral hearing, to correct facts and for reconsideration of the denial of their Rule 59 motion.

ORDER

IT IS ORDERED that plaintiffs' motion to voluntarily dismiss this action(dkt. # 10), construed as a motion to withdraw their pending motions, is GRANTED.

IT IS ORDERED that plaintiffs' motion for oral hearing (dkt. # 5), motion under Rule 52a to correct facts (dkt. # 7) and motion for reconsideration of Rule 59 motion(dkt. #9) are WITHDRAWN.

Entered this 17<sup>th</sup> day of June, 2008.

BY THE COURT:

/s/

---

BARBARA B. CRABB  
District Judge